

REMARKS

Claims 73 – 76 and 78 – 90 are pending and claims 73 – 76, 78, and 82 – 90 stand rejected. Claims 1- 72 and claim 77 have been previously withdrawn from consideration. Claims 73, 75, 78 – 80, 82, 83, 85, 88 and 90 have been amended. A request for continuing prosecution (RCE) accompanies this reply.

Claims 73 is rejected under 35 U.S.C 103(a) as being unpatentable over Nishiyama et al (US 5307689) in view of Lanham et al (WO 01/65213) or Gomi et al (EP 997709), in view of Japan 877 (JP 60-112877) and Storick (WO 95/06562).

Claim 73 has been amended to require holding the section of the non-rigid flow tube extending between the two legs in an essentially straight configuration while the adhesive cures. The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Nishiyama's tube is made from a rigid material (stainless steel) and therefore the tube does not need to be held in a straight configuration during assembly. The rigid tube is inherently straight (when properly manufactured). The rigid tube may be held in place with respect to the base during welding, but the tube is rigid and does not need to be held in an essentially straight configuration while adhesive cures. Binnie also teaches holding pieces in place relative to other pieces during assembly. But neither Nishiyama's or Binnie have a non-rigid part that needs to be held in an essentially straight configuration while adhesive cures. Holding a flow tube at the two ends during assembly may work for a rigid flow tube, but some other method must be used to keep a non-rigid flow tube straight during assembly. None of the cited art teach how a non-rigid flow tube extending

between two legs can be held in an essentially straight configuration while an adhesive cures, therefore the claim is allowable as amended.

Claims 74 – 76 and 78 – 90 depend on allowable claim 73 and are therefore allowable.

Any fees may be charged to deposit account 502622.

Respectfully submitted,

Date: 2/22/05



**SIGNATURE OF PRACTITIONER**

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